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# UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

14-51459

## CHAPTER 13 PLAN AND RELATED MOTIONS

Case No:

This plan, dated <u>O</u>	ctober 23, 2014 , is: the <i>first</i> Chapter 13 plan filed in this case.
	a modified Plan, which replaces the □confirmed or □unconfirmed Plan dated.
	Date and Time of Modified Plan Confirming Hearing:
	Place of Modified Plan Confirmation Hearing:
The	Plan provisions modified by this filing are:
Crec	litors affected by this modification are:
oppose any provis	RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you sion of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid ne or reject unexpired leases or executory contracts, you MUST file a timely written

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$131,243.00

Name of Debtor(s):

Total Non-Priority Unsecured Debt: \$126,643.14

**Cathy Victoria Alston** 

Total Priority Debt: \$3,065.00 Total Secured Debt: \$130,386.00

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- **1. Funding of Plan.** The debtor(s) propose to pay the trustee the sum of **\$547.00 Monthly for 60 months**. Other payments to the Trustee are as follows: **NONE** . The total amount to be paid into the plan is \$ **32,820.00** .
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
  - A. Administrative Claims under 11 U.S.C. § 1326.
    - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
    - 2. Debtor(s)' attorney will be paid \$\_4,360.00 balance due of the total fee of \$\_5,000.00 concurrently with or prior to the payments to remaining creditors.
  - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor	Type of Priority	Estimated Claim	Payment and Term
Internal Revenue Service	Taxes and certain other debts	3,065.00	Prorata
			20 months

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
  - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u>

### B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

<u>Creditor</u> <u>Collateral Description</u> <u>Estimated Value</u> <u>Estimated Total Claim</u>

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#### C. Adequate Protection Payments.

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The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor **TD Auto Finance**  Collateral Description

Adeq. Protection Monthly Payment 334.00

To Be Paid By Trustee

2009 Volkswagen Beetle 37,000 miles

**KBB** 

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Creditor **TD Auto Finance** 

Collateral

Approx. Bal. of Debt or "Crammed Down" Value Interest Rate

Monthly Paymt & Est. Term\*\*

334.34 60 months

2009 Volkswagen Beetle 37.000 miles KBB

17.609.97

5.25%

#### E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

#### 4. **Unsecured Claims.**

- A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately **0** %.
- В. Separately classified unsecured claims.

Creditor -NONE-

**Basis for Classification** 

Treatment

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- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term 1 4 5 9 Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
  - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

		Regular		Arrearage		Monthly
		Contract	Estimated	Interest	Estimated	Arrearage
Creditor	Collateral	Payment	Arrearage	Rate	Cure Period	Payment
Urban Trust Bank	Home located at 69 Motoka	1,008.39	1,100.00	0%	8 months	Prorata
	Drive Newport News, VA 23602					

**B.** Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract	Estimated Interest	Term for	Arrearage
Creditor	Collateral	Payment	Arrearage Rate	Arrearage	Payment
-NONE-					

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

Datiment of

		Interest	Estimated	
<u>Creditor</u>	<u>Collateral</u>	Rate	Claim	Monthly Paymt& Est. Term**
-NONE-		<del></del>		

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
  - **A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

Creditor	Type of Contract
-NONE-	

**B.** Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

			Monthly	
			Payment	Estimated
Creditor	Type of Contract	Arrearage	for Arrears	Cure Period
-NONE-				

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7. Liens Which Debtor(s) Seek
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A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

Creditor -NONE-

Collateral

**Exemption Amount** 

Value of Collateral

**B.** Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

Creditor -NONE-

Type of Lien

Description of Collateral

Basis for Avoidance

- 8. Treatment and Payment of Claims.
  - All creditors must timely file a proof of claim to receive payment from the Trustee.
  - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
  - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
  - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- 9. Vesting of Property of the Estate. Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:
  - a. Attorney fees shall be paid upon confirmation along with adequate protection payments specified in 3C until attorney fees are paid in full.
  - b. Debtor will continue paying her student loans directly.

Signatures:

Dated: October 23, 2014

/s/ Cathy Victoria Alston
Cathy Victoria Alston
Debtor
Jessica Casey
Jessica Casey 77849
Debtor's Attorney

Exhibits: Copy of Debtor(s)' Budget (Schedules I and J);

**Matrix of Parties Served with Plan** 

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### Certificate of Service

I certify that on October 23, 2014, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

Jessica Casey
Jessica Casey 77849
Signature

11828 Canon Blvd.
Suite A
Newport News, VA 23606
Address

757-596-0456
Telephone No.

Ver. 09/17/09 [effective 12/01/09]

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									T4-0-	$L \mathrel{4} J J J$
Fill	in this information to identify your	case:								
Del	otor 1 Cathy Vict	oria Alston				_				
	otor 2 puse, if filing)					_				
Uni	ted States Bankruptcy Court for the	he: EASTERN DISTRICT	OF VIR	GINIA		_				
	se number lown)							ed filing ent showing po		chapter
$\bigcirc$	fficial Form B 6I							as of the follow	wing date:	
	chedule I: Your Inc	come					MM / DD/	YYYY		12/13
sup spo atta	as complete and accurate as popularing correct information. If you are separated and you have a separated and you have a separate sheet to this form	ou are married and not fili our spouse is not filing w n. On the top of any additi	ng joint ith you,	ly, and your do not inclu	spouse de infor	is livin mation	g with you, inc about your s	clude informat oouse. If more	tion about y space is n	your eeded,
1.	Fill in your employment information.		Debto	or 1			Debtor	2 or non-filing	j spouse	
	If you have more than one job, attach a separate page with information about additional	Employment status		nployed ot employed			☐ Emp	loyed employed		
	employers.	Occupation	Wate	ercraft Inspe	ector					
	Include part-time, seasonal, or self-employed work.	Employer's name	Dept	of the Arm	у					
	Occupation may include studen or homemaker, if it applies.	t Employer's address	Blgd Lee I	. 804 1st Flo Blvd.	oor Ro	om 13 <sup>-</sup>	1			
		How long employed the	here?	27 Year	s					
Par	t 2: Give Details About M	onthly Income								
	mate monthly income as of the use unless you are separated.	date you file this form. If	you hav	e nothing to r	eport for	r any lin	e, write \$0 in th	e space. Includ	de your non	-filing
	u or your non-filing spouse have e space, attach a separate sheet		ombine t	the informatio	n for all	employ	ers for that per	son on the lines	s below. If y	ou need
						F	or Debtor 1	For Debtor		
2.	List monthly gross wages, sa deductions). If not paid monthly				2.	\$	5,662.98	\$	N/A	
3.	Estimate and list monthly over	ertime pay.			3.	+\$	0.00	+\$	N/A	
4.	Calculate gross Income. Add	line 2 + line 3.			4.	\$	5,662.98	\$	N/A	

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Debt	tor 1	Cathy Victoria Alston	-	Case r	number ( <i>if known</i> )		14-5145	9
				For	Debtor 1	For Deb	tor 2 or	
	Сор	y line 4 here	4.	\$	5,662.98	\$	N/A	
5.	List	all payroll deductions:						
	5a. 5b. 5c. 5d.	Tax, Medicare, and Social Security deductions Mandatory contributions for retirement plans Voluntary contributions for retirement plans Required repayments of retirement fund loans	5a. 5b. 5c. 5d.	\$ \$ \$	1,330.85 0.00 45.08 287.57	\$ \$ \$ \$	N/A N/A N/A	
	5e. 5f. 5g. 5h.	Insurance Domestic support obligations Union dues Other deductions. Specify: Life Insurance	5e. 5f. 5g. 5h.+	\$ \$ \$	536.05 0.00 29.99 22.84	\$ \$ \$ - \$	N/A N/A N/A N/A	
6.		the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6.	\$	2,252.38	\$	N/A	
7. 8.		all other income regularly received:  Net income from rental property and from operating a business, profession, or farm	7.	\$	3,410.60	\$	N/A	
	8b. 8c.	Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income.  Interest and dividends  Family support payments that you, a non-filing spouse, or a dependent regularly receive	8a. 8b.	\$ \$	0.00	\$ \$	N/A N/A	
	8d. 8e. 8f.	Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.  Unemployment compensation  Social Security  Other government assistance that you regularly receive	8c. 8d. 8e.	\$ \$	0.00 0.00 0.00	\$ \$ \$	N/A N/A N/A	
	8g. 8h.	Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies.  Specify:  Pension or retirement income  Other monthly income. Specify:	e 8f. 8g. 8h.+	\$ \$	0.00 0.00 0.00	\$ 	N/A N/A N/A	
9.		all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9.	\$ \$	0.00	\$	N/A	
10.		culate monthly income. Add line 7 + line 9. the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	10. \$	3	+ \$_	N	<b>/A</b> = \$ 3,410.60	0
11.	Inclu othe	e all other regular contributions to the expenses that you list in Schedule ade contributions from an unmarried partner, members of your household, your rifiends or relatives. not include any amounts already included in lines 2-10 or amounts that are not cify:	depen	,	,	ed in <i>Sche</i>	edule J. 1. +\$0.00	<u>0</u>
12.		the amount in the last column of line 10 to the amount in line 11. The rese that amount on the Summary of Schedules and Statistical Summary of Certailes				a, if it	2. \$ 3,410.60	0
13.	Do y	you expect an increase or decrease within the year after you file this form  No.  Yes Explain:	?				Combined monthly income	

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Fill	in this information to identify your case:				14-01403
Deb	Cathy Victoria Alston			if this is:	
	otor 2		□ A	supplement show	ving post-petition chapter the following date:
	ouse, if filing)				ine rollowing date.
Unit	ted States Bankruptcy Court for the: EASTERN DISTRICT OF VIRGINI.	<u> </u>	N	MM / DD / YYYY	
	nown)			separate filing for maintains a sepa	Debtor 2 because Debtor rate household
	fficial Form B 6J				4040
Be info	chedule J: Your Expenses as complete and accurate as possible. If two married people are primation. If more space is needed, attach another sheet to this f mber (if known). Answer every question.				
Par 1.	t 1: Describe Your Household Is this a joint case?				
1.	■ No. Go to line 2.  ☐ Yes. Does Debtor 2 live in a separate household? ☐ No ☐ Yes. Debtor 2 must file a separate Schedule J.				
2.	Do you have dependents? ■ No				
	Do not list Debtor 1	Dependent's relation Debtor 1 or Debtor		Dependent's age	Does dependent live with you?
	Do not state the dependents' names.				□ No □ Yes □ No
					☐ Yes
					□ No □ Yes
					☐ Yes
					☐ Yes
3.	Do your expenses include expenses of people other than yourself and your dependents?				
Est	Estimate Your Ongoing Monthly Expenses timate your expenses as of your bankruptcy filing date unless your expenses as of a date after the bankruptcy is filed. If this is a supplibilicable date.				
the	lude expenses paid for with non-cash government assistance if value of such assistance and have included it on Schedule I: Y ficial Form 6I.)			Your expe	enses
4.	The rental or home ownership expenses for your residence. In payments and any rent for the ground or lot.	clude first mortgag	e 4. \$		1,008.39
	If not included in line 4:				
	4a. Real estate taxes		4a. \$		0.00
	4b. Property, homeowner's, or renter's insurance		4b. \$		0.00
	4c. Home maintenance, repair, and upkeep expenses		4c. \$		0.00
5.	<ul> <li>4d. Homeowner's association or condominium dues</li> <li>Additional mortgage payments for your residence, such as hon</li> </ul>	ne equity loans	4d. \$ 5. \$		0.00 0.00
	and the second of the second o		σ. ψ		0.00

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Debtor 1 Cathy Victoria Alston	Case number (if known)	14-5
6. Utilities:		
6a. Electricity, heat, natural gas	6a. \$	134.00
6b. Water, sewer, garbage collection	6b. \$	115.00
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$	320.00
6d. Other. Specify:	6d. \$	0.00
Food and housekeeping supplies	7. \$	225.00
Childcare and children's education costs	8. \$	
		0.00
Clothing, laundry, and dry cleaning	9. \$	100.00
O. Personal care products and services	10. \$	75.00
1. Medical and dental expenses	11. \$	150.00
2. <b>Transportation.</b> Include gas, maintenance, bus or train fare.	12. \$	250.00
Do not include car payments.		
3. Entertainment, clubs, recreation, newspapers, magazines, and books	13. \$	75.00
4. Charitable contributions and religious donations	14. \$	0.00
5. Insurance.		
Do not include insurance deducted from your pay or included in lines 4 or 20.	45- A	0.00
15a. Life insurance	15a. \$	0.00
15b. Health insurance	15b. \$	0.00
15c. Vehicle insurance	15c. \$	69.00
15d. Other insurance. Specify:	15d. \$	0.00
6. Taxes. Do not include taxes deducted from your pay or included in lines 4 or 20	0.	
Specify: Personal Property Taxes	16. \$	50.00
7. Installment or lease payments:		
17a. Car payments for Vehicle 1	17a. \$	0.00
17b. Car payments for Vehicle 2	17b. \$	0.00
17c. Other. Specify:	17c. \$	0.00
17d. Other. Specify:	17d. \$	0.00
3. Your payments of alimony, maintenance, and support that you did not rep	oort as	
deducted from your pay on line 5, Schedule I, Your Income (Official Form		0.00
9. Other payments you make to support others who do not live with you.	\$	0.00
Specify:	19.	
O. Other real property expenses not included in lines 4 or 5 of this form or o	n Schedule I: Your Income.	
20a. Mortgages on other property	20a. \$	0.00
20b. Real estate taxes	20b. \$	0.00
20c. Property, homeowner's, or renter's insurance	20c. \$	0.00
20d. Maintenance, repair, and upkeep expenses	20d. \$	0.00
20e. Homeowner's association or condominium dues	20e. \$	0.00
	21. +\$	85.00
Contingency	+\$	107.00
Gifts for Year	+\$	100.00
2. Your monthly expenses. Add lines 4 through 21.	22. \$	2,863.39
The result is your monthly expenses.		
3. Calculate your monthly net income.		
23a. Copy line 12 (your combined monthly income) from Schedule I.	23a. \$	3,410.60
23b. Copy your monthly expenses from line 22 above.	23b\$	2,863.39
200. Copy your morning expenses from mile 22 above.		2,003.39
23c. Subtract your monthly expenses from your monthly income.		
The result is your <i>monthly net income</i> .	23c. \$	547.21
The result is your monthly not income.		
4. Do you expect an increase or decrease in your expenses within the year a	after you file this form?	
For example, do you expect to finish paying for your car loan within the year or do you expect		or decrease because of a
modification to the terms of your mortgage?		
■ No.		
□ Yes.		
Evolain:		

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1st Advantage Fcu P O Box 2116 Newport News, VA 23609

Aes/brazos/us Bank Pob 2461 Harrisburg, PA 17101

Bayport Credit Union 3711 Huntington Ave Newport News, VA 23607

Capital 1 Bank Attn: General Correspondence Po Box 30285 Salt Lake City, UT 84130

Chase Po Box 15298 Wilmington, DE 19850

Citi Bank PO Box 6243 Sioux Falls, SD 57117

Credit First/CFNA Bk13 Credit Operations Po Box 818011 Cleveland, OH 44181

Firestone Complete Auto Care PO Box 81410 Cleveland, OH 44181

Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19101-7346

Military Star 3911 S Walton Walker Blv Dallas, TX 75236

Navy Federal Cr Union Po Box 3700 Merrifield, VA 22119

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Reward Zone PO Box 71104 Charlotte, NC 28272

Riverside Medical Group PO Box 13076 Belfast, ME 04915

Sentara Medical Group PO Box 179 Norfolk, VA 23501

TD Auto Finance PO Box 16035 Lewiston, ME 04243

Urban Trust Bank PO Box 77404 Trenton, NJ 08628